



06-06-06

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(Unofficial - Post Card) SERIAL NO. 10/574,876

PATENT APPLICATION

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:	THEIMER et al.	Examiner:	Unassigned
Serial No.:	10/574,876	Group Art Unit:	Unassigned
Filing Date:	April 7, 2006	Docket No.:	BKS.015.WUS
Title:	METHOD AND DEVICE FOR GENERATING A GAME DIRECTORY ON AN ELECTRONIC DEVICE		

CERTIFICATE UNDER 37 CFR 1.10

Express Mail' mailing label number: EV 817398535 US

Date of Deposit: June 5, 2006

I hereby certify that this paper or fee is being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 and is addressed to Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

By:

Tracey M. Dotter

Name: Tracey M. Dotter

PETITION TO CORRECT FILING DATE UNDER 37 CFR §1.10(d)

MAIL STOP PETITIONS

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

On April 7, 2006, the undersigned attorney of record filed the above-identified patent application. Along with the application, a self-addressed postcard was submitted pursuant to M.P.E.P. §503. On or about May 9, 2006, the postcard was returned, identifying Serial Number 10/574,876, and assigned a filing date of April 6, 2006. The actual filing date of this patent application was one day later, April 7, 2006, and this petition is being submitted to rectify this discrepancy.

The relevant rule under which the present petition is filed, 37 CFR § 1.10, does not appear to require payment of a petition fee. However, **authorization is hereby expressly provided to charge Deposit Account Number 50-3581 (BKS.015.WUS) for any requisite fee(s) associated with this petition.**

The present petition is being submitted pursuant to 37 CFR §1.10(d), which is reproduced below:

(d) Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and

(3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

Pursuant to 37 CFR § 1.10(d)(1), the present petition is being filed after becoming aware that the Office has accorded a filing date based upon an incorrect entry by the United States Postal Service (USPS). The undersigned attorney of record noticed the incorrect filing date based on a return postcard received at Hollingsworth & Funk, LLC on or about May 9, 2006. A copy of the return postcard showing the USPTO Serial Number and filing date, is attached hereto as Exhibit A.

37 CFR § 1.10(d)(2) requires that the number of the "Express Mail" mailing label be placed on the papers that constitute the correspondence prior to the original mailing by "Express Mail." This requirement was met, as evidenced by the transmittal document filed with this patent application, attached as Exhibit B. As seen from the transmittal document shown in Exhibit B, a "CERTIFICATE UNDER 37 CFR 1.10" was provided, identifying "Express Mail mailing label number" EV 817397251 US. The Express Mail

mailing label sticker is also shown on the file copy of the document. Compliance with 37 CFR § 1.10(d)(2) has therefore been achieved.

37 CFR § 1.10(d)(3) requires a showing which establishes that the requested filing date was the date the correspondence was deposited in the “Express mail Post Office to Addressee” service prior to the last scheduled pickup for that day. This showing is to be evidenced by USPS receipt information that came into being after deposit of the patent application. This showing can be established by the Applicant, as set forth below.

The facts associated with this issue are generally as follows. The above-identified patent application was prepared for filing on April 7, 2006. An “Express Mail” mailing label number (EV 817397251 US) was included in the 37 CFR § 1.10(a) certificate on the transmittal documents accompanying the patent application. A self-addressed postcard was attached to the patent application pursuant to M.P.E.P. §503 (see Exhibit A). The patent application, accompanying documents, and self-addressed postcard were packaged in a single Express Mail package, which was hand-delivered to the USPS by an employee of Hollingsworth & Funk, LLC on April 7, 2006. Unbeknownst to this employee at the time, the USPS entered 4/6/06 in the “Date In” field of the Express Mail label, rather than 4/7/2006 which was the correct date. A copy of the Express Mail label is attached at Exhibit C. A receipt document obtained from the USPS evidencing this information is attached as Exhibit D. As evidenced by this USPS document, the date and time in which EV 817397251 US was accepted at the St. Paul, MN USPS was 04/07/2006, 4:59. On or about May 9, 2006, the postcard (Exhibit A) was returned, identifying Serial Number 10/574,876, and assigned a filing date of April 6, 2006.

It is respectfully submitted that the foregoing information fully complies with 37 CFR § 1.10(d). The Applicant respectfully requests that the filing date corresponding to U.S. Patent Application Number 10/574,876 be accorded the proper filing date of April 7, 2006.

The undersigned attorney of record may be contacted at 952.854.2700 (extension 11) to discuss any issues related to this matter.

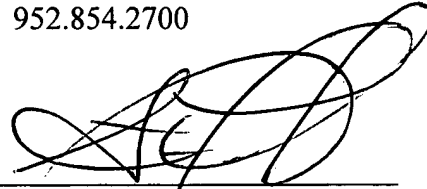
Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC
8009 34th Avenue South, Suite 125
Minneapolis, MN 55425
952.854.2700

Date:

6/5/06

By:

A handwritten signature in black ink, appearing to be 'S. Funk', written over a horizontal line.

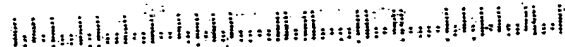
Steven R. Funk
Reg. No. 37,830

EXHIBIT A



HOLLINGSWORTH & FUNK, LLC
8009 34TH AVENUE SOUTH
SUITE 125
MINNEAPOLIS, MN 55425

005 recycled



Receipt of the following papers for National Entry of the International Application under 37 U.S.C. 371 is hereby acknowledged with the return of this postcard by the EO/US Patent & Trademark Office:

Applicants: THEIMER ET AL.
For: METHOD AND DEVICE FOR GENERATING A GAME
DIRECTORY ON AN ELECTRONIC GAMING DEVICE
Docket No.: BKS.015.WUS
Express Mail No.: EV 817397251 US
Date of Deposit: April 7, 2006

- ☒ Transmittal sheet containing Certificate under 37 CFR 1.10 (3 pages).
- ☒ Preliminary Amendment (8 pages)
- ☒ An unexecuted Declaration (4 pages)
- ☒ An Information Disclosure Statement, PTO Form 1449, and references
- ☒ Form PCT/ISA/220
- ☒ Authority is given to charge Deposit Account No. 50-3581 (BKS.015.WUS) in the amount of \$1930.00 for the filing fees. Authority is also given to charge Deposit Account No. 50-3581 (BKS.015.WUS) for any additional fees associated with this filing.

MAIL STOP PCT / Patent National Entry

10/574876

Rec'd PCT/PTO 06 APR 2006

EXHIBIT B

**TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED
OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371**

CERTIFICATE UNDER 37 CFR 1.10

'Express Mail' mailing label number: EV 817397251 US

Date of Deposit: April 7, 2006

I hereby certify that this paper or fee is being deposited with the United States Postal Service 'Express Mail Post Office To Addressee' service under 37 CFR 1.10 and is addressed to the Commissioner for Patents, MAIL STOP PCT, P.O. Box 1450, Alexandria, VA 22313-1450.

By: 

Name: Tracey M. Dotter

Attorney Docket No: BKS.015.WUS		
International application No. PCT/IB2003/004477	International filing date (day/month/year) 10 October 2003 (10.10.2003)	Priority date claimed
Title of Invention METHOD AND DEVICE FOR GENERATING A GAME DIRECTORY ON AN ELECTRONIC GAMING DEVICE		
Applicant(s) for DO/US THEIMER ET AL.		

EV817397251US

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
 2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
 3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
 4. ☐ The US has been elected (Article 31).
 5. ☒ A copy of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☐ is attached hereto (required only if not communicated by the International Bureau).
 - b. ☒ has been communicated by the International Bureau.
 - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
 6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371 (c)(2))
 - a. ☐ is attached hereto.
 - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
 7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
 - b. ☐ has been communicated by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendment has NOT expired.
 - d. ☒ have not been made and will not be made.
 8. ☐ An English language translation of the amendment to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
 9. ☒ An unexecuted oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
 10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).
- Items 11 to 20 below concern document(s) or information included:**
11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98
 12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
 13. ☒ A preliminary amendment (8 pages).
 14. ☐ An Application Data Sheet under 37 CFR 1.76.
 15. ☐ A substitute specification.
 16. ☐ A power of attorney and/or change of address letter.
 17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
 18. ☐ A second copy of the published international application under 35 U.S.C. 154(d)(4).
 19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

EXHIBIT C



EV 817397251 US



UNITED STATES POSTAL SERVICE®

Customer Copy
Label 11-F, April 2004

Post Office To Addressee

ORIGIN (POSTAL SERVICE USE ONLY)			DELIVERY (POSTAL USE ONLY)		
PO ZIP Code 55111	Day of Delivery <input type="checkbox"/> Next <input type="checkbox"/> 2nd <input type="checkbox"/> 2nd Del. Day	Postage \$	Delivery Attempt	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Date Accepted 4/6/04	Scheduled Date of Delivery Month Day	Return Receipt Fee \$	Mo. Day	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Time Accepted 1702	Scheduled Time of Delivery <input type="checkbox"/> Noon <input type="checkbox"/> 3 PM	COD Fee \$	Delivery Date Mo. Day	Time <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Flat Rate <input type="checkbox"/> or Weight lbs. ozs.	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Insurance Fee \$	<small>WAIVER OF SIGNATURE (Domestic Mail Only) Additional merchandise insurance is void if waiver of signature is requested. (For delivery to be made without obtaining signature of addressee or addressee's agent, if delivery employee judges that article cannot be securely located) and authorize that delivery employee's signature constitutes valid proof of delivery.</small>		
	Int'l Alpha Country Code	Total Postage & Fees \$14.40			
Acceptance: Emp. Initials JL			NO DELIVERY <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		

CUSTOMER USE ONLY	
METHOD OF PAYMENT: Express Mail Corporate Acct. No.	Federal Agency Acct. No. or Postal Service Acct. No.

FROM: (PLEASE PRINT)	TO: (PLEASE PRINT)
PHONE () HOLLINGWORTH & FUNK LLC 8009 34TH AVE S STE 125 MINNEAPOLIS MN 55425-1636 USA BXS.OIS.WUS	PHONE () COMMISSIONER FOR PATENTS US PATENT & TRADEMARK OFFICE PO BOX 1450 ALEXANDRIA VA 22313-0500 Mail Stop PCT

FOR PICKUP OR TRACKING: Visit www.usps.com or Call 1-800-222-1811

EXHIBIT D

Twin Cities AMC A
St. Paul, Minnesota
551119998

2663650020-0096

04/07/2006

(612)970-7641

04:59:09 PM

Product	Sale	Unit	Final
Description	Qty	Price	Price

ALEXANDRIA VA 22313 EM			\$14.40
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PO-Add Flat Rate

12.50 oz.

Label #: EV817397251US

Next Day Noon / Normal

Delivery

Paid by account: \$14.40

ENCA account number: 551609

Total: \$0.00

Paid by:

Bill#: 1000401740211

Clerk: 18

— All sales final on stamps and postage. —

Refunds for guaranteed services only.

Thank you for your business.

Customer Copy